

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

3 MARK L. KROTOSKI (CSBN 138549)
4 Chief, Criminal Division

5 150 Almaden Avenue, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5035
8 FAX: (408) 535-5081
9 E-Mail: Mark. Krotoski@usdoj.gov

10 Attorneys for Plaintiff

FILED

JUN 21 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 JOSE SOLER,
18 a/k/a antboogie,
19 a/k/a Jas125,
20 Defendants.

No. CR 06-00054-RMW

**[PROPOSED] ORDER AFTER HEARING
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT**

21 It is hereby stipulated and agreed between defendant Jose Soler, and his counsel Carleen
22 R. Arlidge, and the United States as follows:

23 This matter was set for a status conference on June 19, 2006 at 9:00 a.m. In this
24 copyright infringement case, the defense needs more time to prepare, review discovery
25 previously provided, including a substantial amount of digital evidence, and research legal and
26 sentencing issues. Defense counsel requests further time to consult with a defense expert and
27 possibly proceed to trial.

28 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from
the June 19, 2006 , until July 17, 2006, because the parties believe that the ends of justice served
by the granting of such a continuance outweigh the best interests of the public and the defendant

STIPULATION REGARDING EXCLUDABLE TIME AND [PROPOSED] ORDER
CR 06-00054-RMW

DOCUMENT NO.	CSA's INITIALS
162	
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 in a speedy trial, particularly since reasonable time is needed for the defense to prepare for
2 pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii). The parties
3 further stipulate that time may be excluded for reasonable time for defense preparation, since the
4 failure to exclude time would deny counsel for the defendant reasonable time necessary for
5 effective preparation, taking into account the exercise of due diligence, pursuant to 18 U.S.C. §§
6 3161(h)(8)(A), 3161(h)(8)(B)(iv).

7 So stipulated.

8 Dated: June 19, 2006

KEVIN V. RYAN
United States Attorney


MARK L. KROTOSKI
Assistant United States Attorney

12 So stipulated.

13 Dated: June 19, 2006


CARLEEN R. ARLIDGE
Attorney for Defendant Soler


ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that a status conference in this matter shall be set for July 17, 2006 at 9:00 a.m. to allow the defense more time for preparation.

IT IS FURTHER ORDERED that the time between June 19, 2006 , until July 17, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: June 19, 2006


RONALD M. WHYTE
United States District Judge